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8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No.

2011-968

12 **TAMARA JOAN WRIGHT; AKA**
13 **TAMARA JOAN WRIGHT-GOTTENBOS;**
14 **AKA TAMARA JOANN WRIGHT-**
ARMSTRONG

A C C U S A T I O N

15 **3709 Boundry Street**
16 **San Diego, CA 92104**

17 **Registered Nurse License No. 356921**
Public Health Nurse Certificate No. 38442

18 Respondent.

19
20 Complainant alleges:

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
23 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
24 Consumer Affairs.

25 2. On or about March 31, 1983, the Board of Registered Nursing issued Registered
26 Nurse License Number 356921 to Tamara Joan Wright, aka Tamara Joan Wright-Gottenbos, aka
27 Tamara Joann Wright-Armstrong (Respondent). The Registered Nurse License was in full force
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1 and effect at all times relevant to the charges brought herein and will expire on June 30, 2012,
2 unless renewed.

3 3. On or about July 9, 1985, the Board of Registered Nursing issued Public Health
4 Nurse Certificate Number 38442 to Tamara Joan Wright, aka Tamara Joan Wright-Gottenbos,
5 aka Tamara Joann Wright-Armstrong (Respondent). The Public Health Nurse Certificate was in
6 full force and effect at all times relevant to the charges brought herein and will expire on June 30,
7 2012, unless renewed.

8 9 JURISDICTION

10 4. This Accusation is brought before the Board of Registered Nursing (Board),
11 Department of Consumer Affairs, under the authority of the following laws. All section
12 references are to the Business and Professions Code unless otherwise indicated.

13 5. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
14 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
15 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
16 Nursing Practice Act.

17 6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
18 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
19 licensee or to render a decision imposing discipline on the license.

20 7. Section 2811(b) of the Code provides, in pertinent part, that the Board may renew an
21 expired license at any time within eight years after the expiration

22 STATUTORY PROVISIONS

23 8. Section 482 of the Code states:

24 Each board under the provisions of this code shall develop criteria to
25 evaluate the rehabilitation of a person when:

26 ...

27 (b) Considering suspension or revocation of a license under Section
28 490.

1 Each board shall take into account all competent evidence of
2 rehabilitation furnished by the applicant or licensee.

3 9. Section 490 of the Code provides, in pertinent part, that a board may suspend or
4 revoke a license on the ground that the licensee has been convicted of a crime substantially
5 related to the qualifications, functions, or duties of the business or profession for which the
6 license was issued.

7 10. Section 493 of the Code states:

8 Notwithstanding any other provision of law, in a proceeding conducted
9 by a board within the department pursuant to law to deny an application for a
10 license or to suspend or revoke a license or otherwise take disciplinary
11 action against a person who holds a license, upon the ground that the
12 applicant or the licensee has been convicted of a crime substantially related
13 to the qualifications, functions, and duties of the licensee in question, the
14 record of conviction of the crime shall be conclusive evidence of the fact
15 that the conviction occurred, but only of that fact, and the board may inquire
16 into the circumstances surrounding the commission of the crime in order to
17 fix the degree of discipline or to determine if the conviction is substantially
18 related to the qualifications, functions, and duties of the licensee in question.

14 As used in this section, 'license' includes 'certificate,' 'permit,'
15 'authority,' and 'registration.'

16 11. Section 2761 of the Code states:

17 The board may take disciplinary action against a certified or licensed
18 nurse or deny an application for a certificate or license for any of the
19 following:

20 (a) Unprofessional conduct, which includes, but is not limited to, the
21 following:

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22 (f) Conviction of a felony or of any offense substantially related to the
23 qualifications, functions, and duties of a registered nurse, in which event the
24 record of the conviction shall be conclusive evidence thereof.

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25 12. Section 2762 of the Code states:

26 In addition to other acts constituting unprofessional conduct within the
27 meaning of this chapter [the Nursing Practice Act], it is unprofessional
28 conduct for a person licensed under this chapter to do any of the following:

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2 (b) Use any controlled substance as defined in Division 10
3 (commencing with Section 11000) of the Health and Safety Code, or any
4 dangerous drug or dangerous device as defined in Section 4022, or alcoholic
5 beverages, to an extent or in a manner dangerous or injurious to himself or
6 herself, any other person, or the public or to the extent that such use impairs
7 his or her ability to conduct with safety to the public the practice authorized
8 by his or her license.

9
10 (c) Be convicted of a criminal offense involving the prescription,
11 consumption, or self-administration of any of the substances described in
12 subdivisions (a) and (b) of this section, or the possession of, or falsification
13 of a record pertaining to, the substances described in subdivision (a) of this
14 section, in which event the record of the conviction is conclusive evidence
15 thereof.

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18 19 20 21 22 23 24 25 26 27 28 REGULATORY PROVISIONS

13. California Code of Regulations, title 16, section 1444, states:

A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.

(b) Failure to comply with any mandatory reporting requirements.

(c) Theft, dishonesty, fraud, or deceit.

(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code.

14. California Code of Regulations, title 16, section 1445 states:

. . . .

(b) When considering the suspension or revocation of a license on the grounds that a registered nurse has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his/her eligibility for a license will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

1 (4) Whether the licensee has complied with any terms of parole,
2 probation, restitution or any other sanctions lawfully imposed against the
licensee.

3 (5) If applicable, evidence of expungement proceedings pursuant to
4 Section 1203.4 of the Penal Code.

5 (6) Evidence, if any, of rehabilitation submitted by the licensee.

6 COSTS

7 15. Section 125.3 of the Code provides, in pertinent part, that the
8 Board/Registrar/Director may request the administrative law judge to direct a licensee found to
9 have committed a violation or violations of the licensing act to pay a sum not to exceed the
10 reasonable costs of the investigation and enforcement of the case.

11 FIRST CAUSE FOR DISCIPLINE

12 (December 8, 2003 Criminal Conviction for DUI on August 27, 2003)

13 16. Respondent has subjected her licenses to disciplinary action under sections 490 and
14 2761, subdivision (f) of the Code in that Respondent was convicted of a crime that is substantially
15 related to the qualifications, functions, and duties of a registered nurse and a public health nurse.
16 The circumstances are as follows:

17 a. On or about December 8, 2003, in a criminal proceeding entitled *The People of*
18 *the State of California v. Tamara Joann Wright*, in San Diego County Superior Court, case
19 number C233357, Respondent was convicted on her plea of guilty to violating Vehicle Code
20 section 23152, subdivision (b), driving with a blood alcohol concentration (BAC) of 0.08% or
21 more.

22 b. As a result of her conviction, Respondent was sentenced to five years summary
23 probation, ordered to complete four days of community service, ordered to attend and complete a
24 three-month DUI program, and pay \$1,830.00 in fines.

25 c. The facts that led to the conviction are that on or about August 27, 2003,
26 Respondent drove a vehicle while under the influence of alcohol. Respondent's BAC was found
27 to be .21 %, nearly three times the legal limit.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(May 23, 2007 Criminal Conviction for Driving Under the Influence on January 27, 2007)**

3 17. Respondent has subjected her licenses to disciplinary action under sections 490 and
4 2761, subdivision (f) of the Code in that Respondent was convicted of a crime that is substantially
5 related to the qualifications, functions, and duties of a registered nurse. The circumstances are as
6 follows:

7 a. On or about May, 23, 2007, in a criminal proceeding entitled *The People of the*
8 *State of California v. Tamara Joann Wright*, in San Diego County Superior Court, case number
9 C268761, Respondent was convicted on her plea of guilty to violating three Vehicle Codes
10 sections. Vehicle Code section 23152, subdivision (b), driving with a blood alcohol
11 concentration (BAC) of 0.08% or more, violation of Vehicle Code section 23540 a second
12 conviction for DUI within a ten year period, and violation of Vehicle Code section 23578 driving
13 with a BAC of 0.15%. This was Respondent's second conviction for violation of Vehicle Code
14 section 23152 (b); her first conviction is outlined in paragraph 16, above.

15 b. As a result of her conviction, Respondent was sentenced to five years summary
16 Probation and ordered to serve 96 hours in custody, to perform 10 days of community service,
17 ordered to complete a multiple conviction DUI program, and pay \$2,140.00 in fines.

18 c. The facts that led to the conviction are that on or about January 27, 2007,
19 Respondent drove a vehicle while under the influence of alcohol. Respondent was observed by
20 an officer travelling west bound on Interstate 9, Respondent vehicle aggressively cut off a slower
21 moving vehicle. Respondent's vehicle straddled the number 1 and 2 lanes, drove in the
22 emergency lane and almost struck two bridge embankments. After being pulled over, the
23 responding officer noticed a strong odor of alcohol coming from inside Respondent's vehicle.
24 Respondent was so intoxicated she could not stand or walk on her own. Due to her level of
25 intoxication, Respondent was unable to perform any field sobriety tests. Respondent did submit
26 to two Preliminary Alcohol Screening (PAS) tests and Respondent's blood alcohol readings were
27 .210% and .211% . At the time of sentencing Respondent admitted to a driving with a BAC
28 .22%, nearly three times the legal limit.

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THIRD CAUSE FOR DISCIPLINE

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(Unprofessional Conduct - Use of Alcohol in a Dangerous Manner)

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18. Respondent has subjected her licenses to disciplinary action under section 2762, subdivision (b) of the Code, in that on or about August 27, 2003 and January 27, 2007, as described in paragraphs 16-17 above, Respondent used alcoholic beverages to an extent or in a manner that was dangerous and injurious to herself, and potentially dangerous to others in that she operated a motor vehicle with a significantly high blood alcohol level, endangering herself and others on the roadway.

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FOURTH CAUSE FOR DISCIPLINE

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(Unprofessional Conduct - Conviction of Alcohol-Related Criminal Offenses)

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19. Respondent has subjected her licenses to disciplinary action under section 2762, subdivision (c) of the Code, in that on or about December 8, 2003 and May 23, 2007, as described in paragraphs 16-17, above, Respondent was convicted of criminal offenses involving the consumption of alcohol.

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PRAYER

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WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

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1. Revoking or suspending Registered Nurse License Number 356921 and Public Health Nurse Certificate Number 38442, issued to Tamara Joan Wright, aka Tamara Joan Wright-Gottenbos, aka Tamara Joann Wright-Armstrong;

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1 2. Ordering Tamara Joan Wright aka Tamara Joan Wright-Gottenbos aka Tamara Joann
2 Wright-Armstrong to pay the Board of Registered Nursing the reasonable costs of the
3 investigation and enforcement of this case, pursuant to Business and Professions Code section
4 125.3;

5 3. Taking such other and further action as deemed necessary and proper.
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8 DATED:

June 8, 2011.

Louise R. Bailey

LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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